

## REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

Claims 1-8 are pending in this application. Claims 9 and 10 have been withdrawn. Claim 1 stands rejected under the nonstatutory obviousness type double patenting. Claims 1-3, and 8 stand rejected as being obvious under 35 U.S.C. §103 over Panissidi, U.S. Patent No. 2,878,015, in view of Dietiker, U.S. Patent No. 2,565,208. It is respectfully acknowledged that claims 4, 6, and 7 have been indicated as allowable if rewritten in independent form. Additionally, the subject matter of claim 5 has been indicated as being allowable if rewritten in independent form and amended to overcome the 35 U.S.C. §112, second paragraph rejection for lack of antecedent basis.

This amendment rewrites allowable claim 4 in independent form. This amendment also amends claim 5 to depend from claim 4 and to overcome the rejection under 35 U.S.C. §112, second paragraph. Thus, claims 5-8 depend from allowable claim 4 and thus, are in a condition for allowance. Therefore, allowance of claims 4-8 is respectfully requested.

With regard to the obviousness type double patenting rejection of claim 1, a terminal disclaimer is being filed contemporaneously with this amendment.

Further with regard to claim 1, it is respectfully suggested that the rejection of claim 1 as being obvious over Panissidi in view of Dietiker is improper. In rejecting

claim 1, the Office Action states that “Panissidi doesn’t teach the flow control valve is integrated with the motor housing.”

The Office Action cites Dietiker for teaching a valve integrated into the motor housing by referencing valves 86 and 88, but mistakenly refers to valves 86 and 88 as “flow control valves.” The valves 86 and 88 of Dietiker are not flow control valves but are instead relief valves that are designed to relieve high pressure in the motor. (Dietiker, Col. 3, lines 22-41). As shown in Dietiker, particularly with reference to Fig. 6, valve 86 relieves pressure from the outlet 64 to the inlet 62 and; valve 88 relieves pressure from the inlet 62 to the outlet 64. Neither valve 86 nor valve 88 in any way controls fluid flow during operation of the motor or controls starting or stopping of the motor. At most, valves 86 and 88 control the maximum pressure differential between the inlet 62 and the outlet 64. Thus, Dietiker also fails to teach or suggest a flow control valve integrated with the housing. Therefore, since neither Panissidi nor Dietiker teaches or suggests a flow control valve integrated with the motor housing, allowance of claim 1 is respectfully requested.

Claims 2 and 3 depend from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, claims 2 and 3 are allowable for the specific limitations of each claim.

Specifically, claim 2 recites that the flow control valve consists of a portion of the motor housing. Neither Panissidi nor Dietiker teaches or suggests a flow control valve

that consists of a portion of the motor housing. Therefore, allowance of claim 2 is respectfully requested.

Claim 3 recites that the flow control valve consists of a constant flow valve which is adapted for constant flow control of hydraulic fluid flow through the motor. Neither Panissidi nor Dietiker teaches or suggests a valve which is adapted for constant flow control. With respect to Panissidi, the flow of hydraulic fluid through the motor 22 varies depending upon the rotation of cam 60 and the location of piston 62 of the metering valve 61. The rotation of cam 60 over one revolution results in piston 44 of control valve 40 moving from a first position to provide fluid flow from duct 43 to duct 46, back to a neutral position, then to a second position to provide fluid from duct 43 to duct 48. (Panissidi, Col. 4, lines 29-36). Panissidi further teaches that the duct 43 is adapted to be completely closed by piston 44, when in the neutral position, to stop rotation of the hydraulic motor 22. (Panissidi, Col. 2, lines 69-72). Thus, during movement of piston 44 of control valve 40, the flow of fluid through the motor 22 varies from zero (the motor being stopped when the control valve is in the neutral position) to a maximum amount of flow at each radii of the cam and back to zero as the piston travels back to the neutral position. Unless otherwise limited by the piston 62 in the metering valve 61, the flow of fluid through the motor 22 and through the control valve 40 varies proportionally with the distance of piston 44 from the neutral position. Nothing in Panissidi teaches or suggests that flow valve 40 is adapted for constant flow control. Likewise, nothing in Dietiker teaches or suggests a valve adapted for constant flow control. Thus, for at least the

reasons set forth above, claim 3 is in a condition for allowance and allowance is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and prompt notice to that effect is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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